

State of Wisconsin



2009 Assembly Bill 568

Date of enactment: **March 15, 2010**

Date of publication*: **March 29, 2010**

2009 WISCONSIN ACT 182

AN ACT relating to: revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, and eliminating defects (Correction Bill).

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.410 (3) (hm) of the statutes, as affected by 2009 Wisconsin Act 28, sections 313 and 314, is repealed and recreated to read:

20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho) and (hr), the amounts in the schedule for juvenile correctional services specified in s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property, including vehicles, from juvenile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received from miscellaneous services provided at a juvenile correctional institution operated by the department, all moneys transferred from the appropriation accounts under pars. (ho) and (hr) as provided in 2009 Wisconsin Act 28, section 9211 (1), all moneys transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr), all moneys received in payment for juvenile correctional services specified in s. 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of that 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation

account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement at juvenile correctional institutions including the Mendota Juvenile Treatment Center. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

NOTE: 2009 Wis. Act 28, section 9411 (1), contained an incorrect cross-reference that resulted in a possible ambiguity in the effective dates for the treatments of s. 20.410 (3) (hm) by Act 28. SECTIONS 1 and 2 of this bill, together with the delayed effective date specified in SECTION 12 (3) of this bill, clarify the effective dates for the treatments of section 20.410 (3) (hm) in Act 28 as follows:

SECTION 1. The treatment of s. 20.410 (3) (hm) by section 313 of Act 28 is in effect until July 1, 2010.

SECTION 2. The treatment of s. 20.410 (3) (hm) by section 314 of Act 28 takes effect on July 1, 2010.

SECTIONS 1 and 2 of this bill reflect the statute text from sections 313 and 314 of Act 28, respectively.

SECTION 2. 20.410 (3) (hm) of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed and recreated to read:

20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho) and (hr), the amounts in the schedule for juvenile correctional services specified in s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property, including vehicles, from juve-

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

nile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received from miscellaneous services provided at a juvenile correctional institution operated by the department, all moneys transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr), all moneys received in payment for juvenile correctional services specified in s. 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of that 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement at juvenile correctional institutions including the Mendota Juvenile Treatment Center. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

NOTE: See the NOTE for SECTION 1 of this bill.

SECTION 3. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act 28, sections 315, 316 and 317, is repealed and recreated to read:

20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, treatment foster care, group home care, and institutional child care costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act 28, section 9211 (1), except that, if those moneys generated exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, treatment foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts trans-

ferred under this paragraph to the appropriation account under par. (kx).

NOTE: 2009 Wis. Act 28, section 9411 (1), contained an incorrect cross-reference that resulted in a possible ambiguity in the effective dates for the treatments of s. 20.410 (3) (ho) by Act 28. SECTIONS 3, 4, and 5 of this bill, together with the delayed effective dates specified in SECTION 12 (1) and (2) of this bill, clarify the effective dates for the treatments of section 20.410 (3) (ho) in Act 28 as follows:

SECTION 3. The treatment of s. 20.410 (3) (ho) by section 315 of Act 28 is in effect until the treatment of s. 20.410 (3) (ho) by section 316 or 317 take effect.

SECTION 4. The treatment of s. 20.410 (3) (ho) by section 316 of Act 28 takes effect on the effective date specified in the Wisconsin Administrative Register as provided in section 9408 (6) of Act 28.

SECTION 5. The treatment of s. 20.410 (3) (ho) by section 317 of Act 28 takes effect on July 1, 2010, or on the effective date specified in the Wisconsin Administrative Register as provided in section 9408 (6) of Act 28, whichever is later.

SECTIONS 3, 4, and 5 of this bill reflect the statute text shown in sections 315, 316, and 317 of Act 28, respectively.

SECTION 4. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act (this act), section 3, is repealed and recreated to read:

20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, group home care, and institutional child care costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act 28, section 9211 (1), except that if those moneys generated exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

NOTE: See the NOTE for SECTION 3 of this bill.

SECTION 5. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act (this act), section 4, is repealed and recreated to read:

20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, group

home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, group home care, and institutional child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

NOTE: See the NOTE for SECTION 3 of this bill.

SECTION 6. 39.435 (8) of the statutes, as affected by 2009 Wisconsin Act 28, sections 761 and 762, is repealed and recreated to read:

39.435 (8) The board shall award grants under this section to University of Wisconsin System students from the appropriations under s. 20.235 (1) (fe) and (ke).

NOTE: 2009 Wis. Act 28 contains two treatments of s. 39.435 (8). Section 761 of Act 28 amended s. 39.435 (8) effective July 1, 2010. Section 762 of Act 28 amended s. 39.435 (8), as affected by section 761, but without a specified delayed effective date, which resulted in a possible ambiguity in the effective dates for the treatments of s. 39.435 (8) by Act 28. SECTIONS 6 and 7 of this bill, together with the delayed effective date specified in SECTION 12 (3) of this bill, clarify the effective dates for the two treatments of s. 39.435 (8) as follows:

SECTION 6. The treatment of s. 39.435 (8) by section 761 of Act 28 is in effect until July 1, 2010.

SECTION 7. The treatment of s. 39.435 (8) by section 762 takes effect July 1, 2010.

SECTIONS 6 and 7 of this bill reflect the statute text shown in sections 761 and 762 of Act 28, respectively.

SECTION 7. 39.435 (8) of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed and recreated to read:

39.435 (8) The board shall award grants under this section to University of Wisconsin System students from the appropriation under s. 20.235 (1) (fe).

NOTE: See the NOTE for SECTION 6 of this bill.

SECTION 8. 111.322 (2m) (a) and (b) of the statutes, as affected by 2009 Wisconsin Acts 3 and 28, are repealed and recreated to read:

111.322 (2m) (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 104.12,

109.03, 109.07, 109.075 or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

(b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075 or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

NOTE: Section 111.322 (2m) (a) and (b) were amended effective April 1, 2010, by 2009 Wis. Act 3 and, as affected by Act 3, by 2009 Wis. Act 28. Act 28 did not provide a delayed effective date for the Act 28 treatment, which resulted in a possible ambiguity in the effective date for the Act 28 treatment. SECTIONS 8 and 9 of this bill, together with the delayed effective date specified in SECTION 12 (4) of this bill, clarify the effective date for the Act 28 treatment as follows:

SECTION 8. Section 111.322 (2m) (a) and (b), as they were in effect before any treatment by 2009 Wis. Acts 3 or 28, remain in effect until the treatment by SECTION 9 of this bill — which reflects the treatments by 2009 Wis. Acts 3 and 28 — takes effect.

SECTION 9. The treatments of s. 111.322 (2m) (a) and (b) by Acts 3 and 28 take effect on April 1, 2010.

SECTION 8. of this bill reflects the text of s. 111.322 (2m) (a) and (b) before enactment of Acts 3 and 28, and SECTION 9 of this bill reflects the text as affected by Acts 3 and 28.

SECTION 9. 111.322 (2m) (a) and (b) of the statutes, as affected by 2009 Wisconsin Act (this act), are repealed and recreated to read:

111.322 (2m) (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 106.04, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

(b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 106.04, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

NOTE: See the NOTE for SECTION 8 of this bill.

SECTION 10. 341.14 (6r) (c) of the statutes, as affected by 2009 Wisconsin Act 28, sections 2817 and 2818, is repealed and recreated to read:

341.14 (6r) (c) Special group plates shall display the word “Wisconsin”, the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. The department shall specify the design for special group plates, but the department shall consult the president of the University of Wisconsin System before specifying the word or symbol used to identify the special groups under par. (f) 35. to 47., the secretary of natural resources before specifying the word or symbol used to identify the special group under par. (f) 50., the chief executive officer of the professional football team and an authorized representative of the league of professional football teams described in s. 229.823 to

which that team belongs before specifying the design for the applicable special group plate under par. (f) 55., the department of veterans affairs before specifying the design for the special group plates under par. (f) 49d., 49h., and 49s., and the department of tourism and chief executive officer of the organization specified in par. (f) 55m. before specifying the design and word or symbol used to identify the special group name for special group plates under par. (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design. The department shall make available 2 designs for the special group plates under par. (f) 60. The department may not specify any design for the special group plates under par. (f) 60. unless the design is approved by the executive vice president of the Milwaukee Brewers Baseball Club LP.

NOTE: 2009 Wis. Act 28 contains two treatments of s. 341.14 (6r) (c) (sections 2817 and 2818). Section 2818 of Act 28 amended s. 341.14 (6r) (c) as affected by section 2817 but without a specified delayed effective date. Section 9450 (4) of Act 28 provides that the treatment of s. 341.14 (6r) (c) by section 2918 — as opposed to 2818 — takes effect on January 1, 2010, but section 2918 of Act 28 does not affect s. 341.14 (6r) (c), which results in a possible ambiguity in the effective dates for the treatments of s. 341.14 (6r) (c) by Act 28. SECTIONS 10 and 11 of this bill, together with the delayed effective date specified in SECTION 12 (5) of this bill, clarify the effective dates for the treatments of s. 341.14 (6r) (c) in Act 28 as follows:

SECTION 10. The treatment of s. 341.14 (6r) by section 2817 is in effect until January 1, 2010.

SECTION 11. The treatment of s. 341.14 (6r) (c) by section 2818 takes effect on January 1, 2010.

SECTIONS 10 and 11 of this bill reflect the statute text from sections 2817 and 2818 of Act 28, respectively.

SECTION 11. 341.14 (6r) (c) of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed and recreated to read:

341.14 (6r) (c) Special group plates shall display the word “Wisconsin”, the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. The department shall specify the design for special group plates, but the department shall consult the president of the University of Wisconsin System before specifying the word or symbol used to identify the special groups under par. (f) 35. to 47., the secretary of natural resources before specifying the word or symbol used to identify the special groups under par. (f) 50. and 59., the chief executive officer of the professional

football team and an authorized representative of the league of professional football teams described in s. 229.823 to which that team belongs before specifying the design for the applicable special group plate under par. (f) 55., the department of veterans affairs before specifying the design for the special group plates under par. (f) 49d., 49h., and 49s., and the department of tourism and chief executive officer of the organization specified in par. (f) 55m. before specifying the design and word or symbol used to identify the special group name for special group plates under par. (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design. The department shall make available 2 designs for the special group plates under par. (f) 60. The department may not specify any design for the special group plates under par. (f) 60. unless the design is approved by the executive vice president of the Milwaukee Brewers Baseball Club LP. The word or symbol used to identify the special group under par. (f) 59. shall be different from the word or symbol used to identify the special group under par. (f) 50. and the design shall cover the entire plate.

NOTE: See the NOTE for SECTION 10 of this bill.

SECTION 12. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 20.410 (3) (ho) (by SECTION 4) of the statutes takes effect on the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under section 48.62 (9) of the statutes or on the day after publication, whichever is later.

(2) The treatment of section 20.410 (3) (ho) (by SECTION 5) of the statutes takes effect on July 1, 2010, on the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under section 48.62 (9) of the statutes, or on the day after publication, whichever is later.

(3) The treatment of sections 20.410 (3) (hm) (by SECTION 2) and 39.435 (8) (by SECTION 7) of the statutes takes effect on July 1, 2010, or on the day after publication, whichever is later.

(4) The treatment of section 111.322 (2m) (a) and (b) of the statutes (by SECTION 9) takes effect on April 1, 2010, or on the day after publication, whichever is later.

(5) The treatment of section 341.14 (6r) (c) (by SECTION 11) of the statutes takes effect on January 1, 2010, or on the day after publication, whichever is later.